



OFFICE OF THE DISTRICT ATTORNEY  
TWENTIETH JUDICIAL DISTRICT

Michael T. Dougherty, District Attorney

**For Immediate Release**  
June 8, 2022

Contact: Shannon Carbone  
Phone: 303-441-3804  
scarbone@bouldercounty.org

## Press Release

The District Attorney's Office announced today that the investigation and legal analysis of the non-fatal shooting of Elijah Mueller on April 16, 2022, involving Police Officer Austin Iverson of the Lafayette Police Department, has been completed. The incident took place in the area of 750 South Lafayette Drive in Lafayette, Colorado.

The Critical Incident Team for the 20th Judicial District, also known as the Boulder County Investigation Team ("BCIT"), investigated this case. This multi-agency team is designated to investigate use-of-force incidents in which any law enforcement officer used deadly, or potentially deadly, physical force against a person while acting under the color of official law enforcement duties. Following this incident, the Lafayette Police Department ("LPD") quickly notified the BCIT. The BCIT responded and conducted a thorough investigation. Consistent with protocol, the Lafayette Police Department did not participate in the investigation into the use of force by Police Officer Iverson.

This announcement, and the decision of the District Attorney, is not to be construed as commentary on the criminal charges, which are merely allegations, pending against Mr. Mueller. He remains innocent of the charges against him unless and until a jury finds him guilty beyond a reasonable doubt. Under the law, the District Attorney is required to make, and publicly disclose, the findings and conclusions which are the bases for not charging Police Officer Iverson with criminal offenses. As required by statute, those findings are detailed in the decision letter being released today and briefly summarized here:

In the twenty-four hours leading up to the shooting, Officer Iverson became aware that Mr. Mueller had engaged in numerous violent acts. Mr. Mueller had fled from law enforcement officers on two separate occasions, possibly attempted to commit a carjacking, and two individuals had reported seeing Mr. Mueller in possession of a firearm. In addition, Mr. Mueller had made statements that he would not go back to prison and that he would get into a shootout with police.

Furthermore, at the time of this incident, Officer Iverson was attempting to effect an arrest of Mr. Mueller for domestic violence related offenses. During the foot pursuit with Officer Iverson and other officers, Mr. Mueller threw a knife towards them and repeatedly yelled, “I have a gun” while making movements toward his waistline.

After turning a corner in pursuit of Mr. Mueller, Officer Iverson saw Mr. Mueller seated with both arms extended straight out in front of him and towards Officer Iverson while brandishing a cylindrical black object. Officer Iverson believed it to be a firearm. Officer Iverson made a split-second decision in order to protect himself and his fellow officers. Following the shooting, it was determined that the item Mr. Mueller had been holding in his outstretched hands was, in fact, a black flashlight. Mr. Mueller later admitted that he attempted to commit “suicide by cop.”

Under the circumstances, it was reasonable for Officer Iverson to believe that Mr. Mueller was armed with a firearm and that Officer Iverson or his fellow officers were in imminent danger of being killed or seriously injured. Based on Colorado law, the physical force that Officer Iverson used in response to Mr. Mueller was both reasonable and appropriate under the circumstances.

District Attorney Michael Dougherty stated, “As required in any officer-involved shooting, the Critical Incident Team conducted an objective, thorough review. The integrity of these investigations is important to everyone involved and to this community. So, I want to acknowledge the cooperation provided by the Lafayette Police Department, as well as the extremely thorough investigation conducted by the Team. Based on that investigation, the officers acted lawfully and were legally justified in their actions in the confrontation with Mr. Mueller.”

The District Attorney’s detailed report can be found at <https://www.bouldercounty.org/district-attorney/officer-involved-shooting-decision-letters/>. For individuals interested in the process and findings, District Attorney Michael Dougherty will conduct a virtual Town Hall via Microsoft Teams at 12 noon on June 14, 2022. Questions can be submitted in advance via email to [boulderda@bouldercounty.org](mailto:boulderda@bouldercounty.org). The link to join is <https://tinyurl.com/3r55v3a7>. Community members are, also, able to call into the Town Hall by calling 720-400-7859 Conference ID: 398 003 368#.

DA Dougherty conducts a Community Town Hall after every BCIT investigation in our continuing effort to be transparent, accessible, and address any questions.